

Senate Government Operations Committee 1

Amendment No. 1 to SB0212

**Bell
Signature of Sponsor**

AMEND Senate Bill No. 212*

House Bill No. 392

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-235(a), is amended by deleting subdivision (52) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-238(a), is amended by inserting the following language as a new, appropriately designated subdivision:

() Tennessee athletic commission, created by § 68-115-103;

SECTION 3. Tennessee Code Annotated, Section 68-115-101, is amended by deleting the section and substituting instead the following:

This chapter shall be known and may be cited as the "Tennessee Athletic Commission Act of 2016."

SECTION 4. Tennessee Code Annotated, Section 68-115-103, is amended by deleting the section and substituting instead the following:

(a) There is created the Tennessee athletic commission. Notwithstanding § 4-3-1304(a), the Tennessee athletic commission shall be attached to the division of regulatory boards within the department of commerce and insurance for all administrative and supervisory purposes, including, but not limited to, matters relating to receipts, disbursements, budget, audit, and other similarly related administrative items.

(b) The entire membership of the commission as comprised on December 31, 2015, shall be vacated on January 1, 2016, and five (5) new members shall be appointed in accordance with subsection (c).

(c) The commission shall be composed of the following members:

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(1) One (1) member shall be a public member, to be appointed by the governor;

(2) Two (2) of the members shall have knowledge of and experience in boxing, with one (1) of the members to be appointed by the speaker of the house of representatives and one (1) of the members to be appointed by the governor. The member first appointed to fill a vacancy arising from the expiration of a member's term after January 1, 2016, shall be appointed to a term of three (3) years; and

(3) Two (2) of the members shall have knowledge of and experience in mixed martial arts, with one (1) of the members to be appointed by the speaker of the senate and one (1) of the members to be appointed by the governor.

(d) Except as provided in subdivision (c)(2), a member's term of office shall be four (4) years.

(e) All commission members shall be resident citizens of this state, and at least one (1) member of the commission shall reside in each grand division.

(f) In making appointments to the commission, the governor and the speakers of the senate and the house of representatives shall strive to ensure that the commission is representative of the state's geographic and demographic diversity, with appropriate attention to the representation of women and minorities.

(g) In making appointments to the commission, the appointing authorities shall be provided written proof of experience by all candidates for membership on the commission.

(h) A member of the commission who is appointed to an initial term of three (3) years or less in accordance with subdivision (c)(2) may be reappointed for up to one (1) additional four-year term. Members whose initial appointments are for four (4) years and members who have been reappointed to a four-year term shall not be reappointed for one (1) year following the date upon which the member's term expires.

(i) Three (3) members of the commission shall constitute a quorum, and any official action of the commission shall require the concurrence of at least a quorum.

(j) No member of the commission or any member of a commissioner's immediate family shall, at any time during the commissioner's service as a member of the commission or for one (1) year after the commissioner's term expires or the commissioner resigns as a member, be employed by a promoter of or promote any professional contest, or have any financial interest in the promotion or sponsorship of a professional contest. This subsection (j) shall not apply to immediate family members who compete as combatants in a professional contest or who may compete as amateurs in an amateur event if regulated by the commission pursuant to § 68-115-213.

(k) No member of the commission shall receive any complimentary tickets, nor shall any member of a commissioner's immediate family receive any complimentary tickets, for professional contests.

(l) Commission members shall be considered officials in the executive branch, as defined in § 3-6-301.

SECTION 5. Tennessee Code Annotated, Section 68-115-104, is amended by deleting the section and substituting instead the following:

A vacancy through expiration of the term of any member of the commission shall be filled by the respective appointing authority for a term of four (4) years. In the event a vacancy should occur other than by expiration of the term of a member, the respective appointing authority shall fill the vacancy for the unexpired portion of the original term.

SECTION 6. Tennessee Code Annotated, Section 68-115-106, is amended by deleting the section and substituting instead the following:

The members of the commission shall elect one (1) member as chair of the commission, who shall serve for a term of one (1) year, whereupon another member shall be elected as provided in this chapter.

SECTION 7. Tennessee Code Annotated, Section 68-115-107, is amended by deleting the section and substituting instead the following:

(a) The fees established for professional combatants, promoters, managers, matchmakers, seconds, ringside physicians, and other ring officials licensed in accordance with § 68-115-204 shall be in an amount that provides for the cost of administering the licensing and regulation of unarmed combat contests.

(b) All moneys collected by the department pursuant to this chapter shall be deposited in the state treasury in a separate fund to be known as the Tennessee athletic commission administrative fund.

(c) Fees to be paid by the persons listed in subsection (a) shall be adjusted as necessary to provide that the Tennessee athletic commission administrative fund is fiscally self-sufficient and that the revenues from fees do not exceed necessary and required expenditures.

(d) Disbursements from the Tennessee athletic commission administrative fund shall be made solely for the purpose of defraying expenses incurred by the commission in the implementation and enforcement of this chapter.

(e) No expenses for the implementation and enforcement of this chapter shall be payable from the general fund of the state.

(f) Any part of the Tennessee athletic commission administrative fund remaining at the end of a fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with this chapter.

SECTION 8. Tennessee Code Annotated, Section 68-115-108, is amended by deleting the section and substituting instead the following:

(a)

(1) The commission shall meet at least quarterly but may meet as often as the duties of the commission require.

(2)

(A) Commission members shall attend at least fifty percent (50%) of the required quarterly meetings.

(B) Any commission member who fails to attend meetings as required in subdivision (a)(2)(A) shall be removed as a member by the appointing authority.

(3) If a commissioner is permitted to attend a meeting from a remote location by telephone, television, teleconferencing, or other electronic means pursuant to the rules of the commission and title 8, chapter 44, then the commissioner shall utilize such method no more than twice annually, unless an emergency situation arises.

(b) Members of the commission shall not receive per diem or other compensation for their services, but may be reimbursed for actual expenses incident to attending commission meetings, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 9. Tennessee Code Annotated, Section 68-115-109, is amended by deleting the section and substituting instead the following:

The director of the division of regulatory boards in the department of commerce and insurance or the director's designee shall serve as executive director of the commission and shall perform all administrative functions for the commission. The executive director of the commission shall keep an accurate record of its proceedings and transactions.

SECTION 10. Tennessee Code Annotated, Section 68-115-201(a), is amended by deleting the subsection and substituting instead the following:

(a) The commission is authorized to promulgate rules to effectuate the purposes of this chapter and to protect and ensure the health, safety, and welfare of combatants in professional contests, amateurs in events, and combatants and amateurs in pro-am competitions. The rules shall be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Any hearing conducted pursuant to this chapter shall be conducted in accordance with the Uniform Administrative Procedures Act.

SECTION 11. Tennessee Code Annotated, Section 68-115-203(a), is amended by deleting the language "sole and full discretion" and substituting instead the language "discretion".

SECTION 12. Tennessee Code Annotated, Section 68-115-204(c), is amended by deleting the subsection and redesignating the subsequent subsections accordingly.

SECTION 13. Tennessee Code Annotated, Section 68-115-211, is amended by deleting the language "in an amount not less than twenty-five thousand dollars (\$25,000)" and substituting instead the language "in an amount to be set by rule, as promulgated by the commission".

SECTION 14. Tennessee Code Annotated, Section 68-115-301, is amended by deleting the word “combatant” and substituting instead the word “amateur”.

SECTION 15. Tennessee Code Annotated, Section 68-115-401, is amended by deleting the section and substituting instead the following:

The executive director of the commission, a member of the commission, qualified medical personnel, or the commission’s designee shall be present at all weigh-ins, pre-contest physical examinations, and professional contests, and shall ensure that the rules are strictly enforced.

SECTION 16. Tennessee Code Annotated, Section 68-115-403, is amended by adding the following language as a new subsection:

All expenses incurred pursuant to this section shall be paid by the promoter.

SECTION 17. Tennessee Code Annotated, Section 68-115-404(d), is amended by deleting the last sentence and substituting instead the following:

All neurological reports shall be submitted to the commission by the neurologist for its review before the combatant may be permitted to compete in a subsequent professional contest.

SECTION 18. Tennessee Code Annotated, Section 68-115-404, is further amended by adding the following language as a new subsection:

All expenses incurred pursuant to this section shall be paid by the promoter.

SECTION 19. Tennessee Code Annotated, Title 68, Chapter 115, is amended by deleting the language “administrator” wherever it appears and substituting instead the language “executive director”.

SECTION 20. Tennessee Code Annotated, Title 68, Chapter 115, is amended by deleting the language “rules and regulations” wherever it appears and substituting instead the language “rules”.

SECTION 21. Sections 1 and 2 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections of this act shall take effect January 1, 2016, the public welfare requiring it.